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US DISTRICT COURT E.D.N.Y.

* APR 27 2013 *

Received
4/27/18
AP

Verdict Form

Court Exhibit 4A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-X-

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

-against-

UNITED HEALTH PROGRAMS OF AMERICA,
INC. and COST CONTAINMENT GROUP,
INC.,

Defendants.

-X-

-X- 14-CV-3673 (KAM) (JO)

ELIZABETH ONTANEDA, FRANCINE
PENNISI, and FAITH PABON,

Plaintiffs-Intervenors,

-against-

UNITED HEALTH PROGRAMS OF AMERICA,
INC. and COST CONTAINMENT GROUP,
INC.,

Defendants.

-X-

VERDICT FORM

COURT'S	
EXHIBIT NO. 9	
IDENTIFICATION/EVIDENCE	
PENGAD 800-631-5999	DKT.# 14-cv-3673
DATE: 4/25/18	

Verdict Form

VERDICT FORM

A. Hostile Work Environment (All Claimants Except Faith Pabon)

Question 1. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG are legally responsible for creating or maintaining a hostile work environment based on religion for the following claimants?

Sandra Benedict	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Danielle Diaz	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Jennifer Honohan	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Karen Josey	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Regina Maldari	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Elizabeth Ontaneda	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Cynthia Pegullo	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Francine Pennisi	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Elizabeth Safara	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>



Verdict Form

Answer Question 2 only if the answer for any claimant in Question 1 is YES.

Question 2. How much should each of the claimants be awarded for the hostile work environment they experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Sandra Benedict	\$ <u>225,000.00</u>	\$ <u>0</u>
Danielle Diaz	\$ <u>190,000.00</u>	\$ <u>400,000.00</u>
Jennifer Honohan	\$ <u>570,000.00</u>	\$ <u>0</u>
Karen Josey	\$ <u>180,000.00</u>	\$ <u>0</u>
Regina Maldari	\$ <u>306,000.00</u>	\$ <u>0</u>
Elizabeth Ontaneda	\$ <u>590,000.00</u>	\$ <u>900,000.00</u>
Cynthia Pegullo	\$ <u>180,000.00</u>	\$ <u>160,000.00</u>
Francine Pennisi	\$ <u>246,000.00</u>	\$ <u>381,000.00</u>
Elizabeth Safara	\$ <u>80,000.00</u>	\$ <u>0</u>



Verdict Form**B. Disparate Treatment – Wrongful Termination (All Claimants Except Elizabeth Safara & Regina Maldari)**

Question 3. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected the following claimants to termination that was motivated, at least in part, by the claimant's rejection of defendants' religious practices?

Sandra Benedict	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Danielle Diaz	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Jennifer Honohan	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Karen Josey	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Elizabeth Ontaneda	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Faith Pabon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Cynthia Pegullo	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Francine Pennisi	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO



Verdict Form

Answer Question 4 only if the answer for any claimant in Question 3 is YES.

Question 4. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should each of the following claimants be awarded for the disparate treatment they experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Sandra Benedict	\$ <u>0</u>	\$ <u>0</u>
Danielle Diaz	\$ <u>0</u>	\$ <u>0</u>
Jennifer Honohan	\$ <u>0</u>	\$ <u>0</u>
Karen Josey	\$ <u>0</u>	\$ <u>0</u>
Elizabeth Ontaneda	\$ <u>0</u>	\$ <u>0</u>
Faith Pabon	\$ <u>440,000.00</u>	\$ <u>250,000.00</u>
Cynthia Pegullo	\$ <u>0</u>	\$ <u>0</u>
Francine Pennisi	\$ <u>0</u>	\$ <u>0</u>



Verdict Form

C. Additional Disparate Treatment (Elizabeth Ontaneda)

Question 5. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected Elizabeth Ontaneda to an adverse employment action other than termination that was motivated, at least in part, by Ms. Ontaneda's rejection of defendants' religious practices?

 YES ✓ NO

Answer Question 6 only if the answer to Question 5 is YES.

Question 6. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Elizabeth Ontaneda be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Elizabeth Ontaneda	\$ <u>0</u>	\$ <u>0</u>



Verdict Form

D. Additional Disparate Treatment (Francine Pennisi)

Question 7. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected Francine Pennisi to an adverse employment action other than termination, that was motivated, at least in part, by Ms. Pennisi's rejection of defendants' religious practices?

 YES ✓ NO

Answer Question 8 only if the answer to Question 7 is YES.

Question 8. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Francine Pennisi be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Francine Pennisi	\$ <u>0</u>	\$ <u>0</u>



Verdict Form

Question 9. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subject Francine Pennisi to an adverse employment action other than termination that was motivated, at least in part, by Ms. Pennisi's personal religious beliefs (Catholicism)?

 YES ✓ NO

Answer Question 10 only if the answer to Question 9 is YES.

Question 10. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Francine Pennisi be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Francine Pennisi	\$ <u>0</u>	\$ <u>0</u>



Verdict Form

Question 11. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected Francine Pennisi to termination, that was motivated, at least in part, by Ms. Pennisi's personal religious beliefs (Catholicism)?

 YES 0 NO

Answer Question 12 only if the answer to Question 11 is YES.

Question 12. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Francine Pennisi be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Francine Pennisi	\$ <u> 0 </u>	\$ <u> 0 </u>





Verdict Form

E. Retaliation (Francine Pennisi)

Question 13. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG retaliated against Francine Pennisi for engaging in a protected activity?

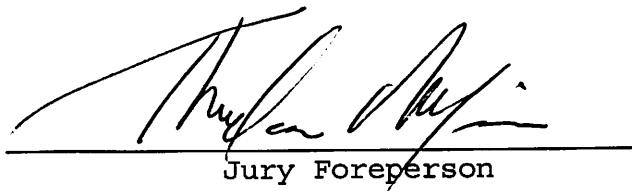
YES NO

Answer Question 14 only if the answer to Question 13 is YES.

Question 14. How much should Francine Pennisi be awarded in connection with the retaliation she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Francine Pennisi	\$ <u>0</u>	\$ <u>0</u>

Dated: 4 25 2018
(Month) (Date) (Year)



Jury Foreperson